

**Chairperson**  
Bernard Frezza

**Vice-Chairperson**  
Anthony Piloizzi

**Secretary**  
Joseph Anzelone

**Counsel for the Board**  
Joseph Ballirano, Esq.



**Building Official**  
Bernard J. Nascenzi, C.B.O.

**Zoning Board Members**  
Richard Fascia  
Thomas Lopardo

**Alternate Board Members**  
Dennis Cardillo  
Albert Colannino

**Recording Secretary**  
Holli Stott

**JOHNSTON ZONING BOARD OF REVIEW**  
100 Irons Avenue, Johnston, Rhode Island 02919  
**Tel: 401-231-4000 ext 4068 Fax: 401-231-4181**

**MINUTES**  
**August 28, 2014**

The Zoning Board of Review held its monthly meeting on the 28th day of August, 2014 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Bernard Frezza, Chairperson, Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Albert Colannino, Richard Fascia, Thomas Lopardo and Dennis Cardillo. Also present: Joseph Ballirano, Esq., Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Lisa Reis, Stenographer.

Mr. Piloizzi made a motion to approve July's minutes with the correction of adding Richard Fascia to the roll call. Mr. Anzelone seconded. A voice vote was taken; all in favor.

**A. File 2014-31**

LOCATION: 5 Brown Drive  
OWNER/ APPLICANT: Dennis and Paula Muoio  
LOT: AP 44 — Lot 136; 8,000 sq. ft.; R-15 Zone  
EXISTING USE: Single Family Dwelling  
PROPOSAL: Build 23'x12' addition for bedroom

**Dimensional Variance** petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
<b>SETBACKS:</b>	LOT SIZE	15,000 sq ft	8,000 sq ft	7,000 sq ft
	LOT FRONTAGE	100'	80'	20'
	FRONT YARD	25'	20.17'	4.83'
	REAR YARD	45'	41.83	3.17'
	LEFT SIDE YARD	20'	14.67'	5.33'
	RIGHT SIDE YARD	20'	5.33'	14.67'

Mr. Brian Muoio, was sworn in and he explained to the board that his parents would like to build a bedroom and a small bathroom, just a toilet and sink, on the first floor for the convenience of his

grandmother whom is 88 years of age. The addition will be placed on an existing slab in the rear of the house. Not considered an in-law apartment because there will not be a kitchen and not a full bathroom. No one for or against.

Mr. Pilozzi made a motion to grant. Mr. Anzelone seconded. A voice vote was taken; all in favor.

#### **B. File 2014-34**

LOCATION: 18 Kern Acre Drive  
 OWNER/ APPLICANT: Michael Russillo  
 LOT: AP 20 — Lot 213; 25,739 sq. ft.; R-7 Zone  
 EXISTING USE: Single Family Dwelling  
 PROPOSAL: 28' x 30' x 20' storage structure

**Dimensional Variance** petitioned under Article III § 340-9 Table of Dimensional Regulations and Article V § 340-25 Authorized departures from yard regulations section c Accessory Structures

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	<b>BLD HEIGHT ACC STR.</b>	<b>15'</b>	<b>20'</b>	<b>5'</b>
	<b>REAR YARD</b>	<b>35'</b>	<b>26'</b>	<b>9'</b>

Michael Russillo, applicant, was sworn in and he explained to the board that he would like to build a 28 x 30 garage shelter in the rear of his yard on a cement slab for storage of patio furniture, lawn equipment etc. Mr. Nascenzi explained to the board that he received a complaint and that's what prompted an inspection at Mr. Russillo's residence and therefore Mr. Nascenzi stopped Mr. Russillo from erecting this structure because it is oversized for the accessory structure requirements. Mr. Russillo stated that he will only be using this structure for storage only and no type of commercial operation will be running out of this structure.

Dan Ballirano, attorney for an abutter, was sworn in and he explained to the board that this structure is very oversized and is equivalent to the size of a house. Also, Mr. Ballirano explained that the homeowner does not have a hardship for this structure and that the homeowner created his own hardship and not something that is not his issue. Mr. Russillo is not asking the least relief possible.

Ms. Eileen Fuoco, councilwoman for the Town of Johnston, was sworn in and she explained to the board that she is in favor of Mr. Russillo placing this structure on his lot because she is going through the same situation with the constituents on Simmonsville Avenue and the "greenhouses" located in her "backyard." Mr. Nascenzi explained to Ms. Fuoco about why Mr. Russillo is in front of the board this evening and that the structure she is referring to is pre-existing and that Mr. Russillo's is not preexisting.

Valerie Meleo, abutter to the applicant, was sworn in and she explained that the size of Mr. Russillo's proposed structure is the same size of a two story dwelling. This structure will be extremely close to her property line and infringe on her family's privacy. Ms. Meleo feels that it will be used as a "work

bay” on cars which will create fumes and noise. If the structure was smaller she would feel much better.

Mr. Louis Vinagro, was sworn in, and he explained to the board that if only one abutter has a problem with the size of the structure, if he reduces it and that no work will be conducted there then the board should approve the proposal.

Mr. Pilozzi made a motion to deny based on the accessory structure regulations. Mr. Fascia seconded. A voice vote was taken; all in favor.

**C. File 2014-33**

LOCATION: 1253 Hartford Ave  
OWNER: Ken Lantini  
APPLICANT: Husni Khalil d/b/a Dreamland  
LOT: AP 20 — Lot 55; 63,980 sq. ft.; B-2 Zone  
EXISTING USE: Electric supply shop and former furniture store  
PROPOSAL: Electric supply shop and daycare

**Use Variance** petitioned under Article III § 340-8 Table of Use Regulations section 4.11

Mr. Alfred Russo, attorney for the applicant, was sworn in and he explained to the board that his client would like to occupy the space next J&K Electric and run a daycare out of that location on the left hand side. Mr. Khalil currently owns Dream Land Day Care in West Warwick and would like to expand here in Johnston.

Mr. Tim Khalil, applicant, was sworn in. Mr. Pilozzi explained to Mr. Khalil that his number one concern is safety for the children. Mr. Pilozzi stated that if approved he wants ballads placed in front of the property in case of a car coming through the building and along the side street onto Elsie Drive. Mr. Khalil explained that the daycare has their own means of transportation using 15 passenger vans. The hours of operation will be 6:30 am to 6:00 pm. School buses will be taking children to and from the daycare for schooling. The bus will be stopping on Hartford Avenue to get the kids on and off the bus and a teacher will be waiting for the children to get on and off the bus. Mr. Nascenzi explained to the board that per the zoning ordinance they are only required to have 4 car spaces per 1,000 square feet, so with the square footage that they will be renting which is 2,500 square feet there is plenty of parking for employees and parents to drop off and pick up. Mr. Khalil agreed that if the application is approved then he will line the spaces for parking for employees and parents. As far as the number of children goes DCYF will calculate that per the square footage of the building, but the zoning board if approved will place a cap on the amount of students.

Mr. Alex Psznowsky, abutter to the property, was sworn in and he explained to the board that he is not for or against this proposal, however his only concern is the number of children at this location and where the playground will be located. Mr. Ballirano explained to the abutter that it is up to DCYF and whatever they say the board cannot overrule.

Mr. Pilozzi made a motion to take a five minute recess. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Frezza made a motion to reconvene. Mr. Pilozzi seconded. A voice vote was taken; all in favor.

Mr. Russo explained to the board where the playground will be located and how large it will be. He also explained to the board teacher/child ratio.

Mr. Ballirano explained to Mr. Psznowsky that if this application is approved, then the board will be placing him on a one year “probationary” period for the applicant to come back before the board to “tweek” any situations that may arise.

Mr. Pilozzi made a motion to approve with the stipulations of ballads placed across the front, on the Elsie Street side and in front of the playground and a number of children at 150 with a probation period of 12 months. Mr. Lopardo and Mr. Anzelone seconded. A voice vote was taken; all in favor.

**D. File 2014-32**

LOCATION: Scituate Avenue  
OWNER: Shelby Realty Inc.  
APPLICANT: Orbit Energy Rhode Island, LLC  
LOT: AP 43 — Lot 2; 708,285.6 sq. ft.; I Zone  
EXISTING USE: Vacant  
PROPOSAL: Plant to produce and sell electric

**Special Use Variance** petitioned under Article III § 340-8 Table of Use Regulations sect 5.2

Mr. Russo, attorney for the project, explained to the board that his applicant would like to build a digestive plant at this location. Mr. Russo stated that they have changed the plans prior to tonight meeting. Mr. Nascenzi told Mr. Russo that that is unacceptable and everything has to be review prior to the meeting. Mr. Russo understood and they will be using the existing plan that Mr. Nascenzi approved prior to tonight meeting.

Mr. Jeff Knight, senior project director from Bluesphere, was sworn in and he explained to the board about the types of trucks pulling in and out of this facility where they will be dumping and how the process works. Mr. Knight explained about the odor control system they will put into place and all the air will be treated and released. Mr. Nascenzi explained to Mr. Knight that when they are flaring off the gas they will have to be careful because of too much sulfur will cause the system to fail. This facility will be used for food waste not any human secondary waste from any type of domesticated animal. Mr. Knight explained where the clean air will be coming out of the bio filters. This facility will be monitored by the State of Rhode Island. The leftover material in tanks will be blended with new organic waste and sold as a fertilizer product. This plant is designed to process about 70,000 tons a year. This plant will be running 24 hours a day in an insulated building for noise.

Ms. Tammy Cardillo, sworn in, and she was concerned with the applicant had another facility in the area. Mr. Monosov, owner of the facility, explained that they had a different location, but unfortunately it fell through due to title issues.

Mr. Vinagro, sworn previously, explained to the board that there are only a few of these companies in this country and that this is the new technology coming down the road.

Mr. Joseph McCauley, abutter sworn in, and his concern was how far away the plant will be located off the road and Mr. Hart, previously sworn, from Diprete engineering explained that it will be 50 feet away from the road.

Ms. Debra McCauley, abutter was sworn in and she stated that because district 1 has an industrial zone and the landfill is located in district 1 that's where the plant would have to be located. Mr. Monosov showed Ms. McCauley on the site plan where the trucks will be pulling in and out of and how the doors open etc.

Mr. Piloizzi made a motion to approve. Mr. Anzelone seconded. Mr. Fascia wanted to add a stipulation for a two year probationary period and the applicants will return to the board for a review. Motion was made and seconded without stipulation. No one else seconded Mr. Fascia's stipulation.

Mr. Anzelone	Aye
Mr. Piloizzi	Aye
Mr. Lopardo	Aye
Mr. Fascia	Nay
Mr. Frezza	Aye

Passes four to one

Mr. Anzelone made a motion to adjourn. Mr. Piloizzi seconded. A voice vote was taken; all in favor.

**Adjourn 10:25 p.m.**